

DOCKET NO. ETH5108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wellman et al.

Serial No.: 10/699,337

Art Unit: 3763

Filed : October 31, 2003

Examiner:

For : Space-Creating Retractor with Vessel Manipulator

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

March 31, 2004

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

(Signature)

March 31, 2004

(Date of Signature)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Wellman et al. entitled Space-Creating REtractor with Vessel Manipulator attorney Docket No.ETH5108, to complete, pursuant to Rule 51, this application filed on October 31, 2003 by Express Mail pursuant to Rule 10. As required, a copy of the Notice to File Missing Parts of Application is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/ETH5108/BST in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/ETH5108/BST. This sheet is submitted in triplicate.

Respectfully submitted,

Brian S. Tomko  
Reg. No. 41,349  
Attorney for Applicant(s)

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1239



Please type a plus sign (+) inside this box ☐

PTO/SB/01 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|   |                          |                |
|---|--------------------------|----------------|
| <b>DECLARATION<br/>AND<br/>POWER OF ATTORNEY<br/>FOR UTILITY OR DESIGN<br/>PATENT APPLICATION<br/>(37 CFR 1.63)</b><br><br><input type="checkbox"/> Declaration Submitted with<br>Initial Filing <b>OR</b> <input checked="" type="checkbox"/> Declaration Submitted after<br>Initial Filing (Surcharge<br>(37 CFR 1.16(e)) required) | Attorney Docket Number   | ETH5108        |
|   | First Named Inventor     | Parris Wellman |
|   | <b>COMPLETE IF KNOWN</b> |                |
|   | Application Number       | 10/699,337     |
|   | Filing Date              | 10/31/03       |
|   | Group Art Unit           |                |
|   | Examiner Name            |                |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.  
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Space-Creating Retractor with Vessel Manipulator  
(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 10/31/03 as United States Application Number or PCT International Application Number 10/699,337 and was amended on (MM/DD/YYYY) ☐

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign<br>Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority<br>Not Claimed  | Certified Copy<br>Attached?  |  |
|---|---------|-------------------------------------|--|--|--|
|   |         |                                     |  | YES  | NO   |
|   |         |                                     | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

**DECLARATION - Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) |  |
|-----------------------|--------------------------|--|
|                       |                          | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status   |
|------------------------|-------------|----------|
|                        |             | Patented |
|                        |             | Patented |
|                        |             | Patented |

I hereby appoint:

☒ Practitioners at Customer Number **000027777** → Number Bar Code

\_\_\_\_\_ Label Here

AND

[illegible]

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all telephone calls to Brian S. Tomko at telephone number (732) 524-1239.

Direct all correspondence to: ☒ Customer Number **000027777** OR ☐ Correspondence address below

Name: \_\_\_\_\_

**Address:** \_\_\_\_\_

**Address:**

|                |                   |             |
|----------------|-------------------|-------------|
| <b>City:</b>   | <b>State:</b>     | <b>ZIP</b>  |
| <b>Country</b> | <b>Telephone:</b> | <b>Fax:</b> |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

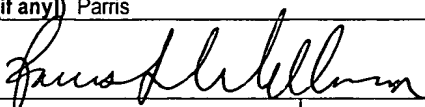
NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) Parris

Family Name  
or Surname Wellman

Inventor's  
Signature



Date

2/20/04

Residence: City Hillsborough

State NJ

Country US

Citizenship US

Mailing Address 61 Taurus Dr., Apt. 3A

City Hillsborough

State NJ

ZIP 08844

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) Simon

Family Name  
or Surname Cohn

Inventor's  
Signature



Date

2/19/04

Residence: City North Arlington

State NJ

Country US

Citizenship US

Mailing Address 9 Webster St., Apt 2.

City North Arlington

State NJ

ZIP 07031

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

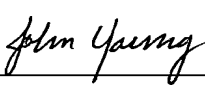
NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) John

Family Name  
or Surname Young

Inventor's  
Signature



Date

2/19/04

Residence: City Staten Island

State NY

Country US

Citizenship US

Mailing Address 48 Ashton Dr.

City Staten Island

State NY

ZIP 10312

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) Thomas

Family Name  
or Surname Swyst

Inventor's  
Signature



Date

3/19/04

Residence: City Arlington

State MA

Country US

Citizenship US

Mailing Address 127 Highland Ave

City Arlington

State MA

ZIP 02476

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) James

Family Name  
or Surname Pelletier

Inventor's  
Signature



Date

3/19/04

Residence: City ~~Norwood~~ Newton

State MA

Country US

Citizenship US

Mailing Address ~~504 Engamore Lane, Apt. T3~~

156 Washington St.

City

~~Norwood~~ Newton

State MA

ZIP ~~02062~~ 02458

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) John

Family Name  
or Surname Lapetina

Inventor's  
Signature

Date

Residence: City San Francisco

State CA

Country US

Citizenship US

Mailing Address 555 Duboce Ave, Apt. 12

City

San Francisco

State CA

ZIP 94117

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) Thomas

Family Name  
or Surname Swyst

Inventor's  
Signature

Date

Residence: City Arlington

State MA

Country US

Citizenship US

Mailing Address 127 Highland Ave

City Arlington

State MA

ZIP 02476

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) James

Family Name  
or Surname Pelletier

Inventor's  
Signature

Date

Residence: City Norwood

State MA

Country US

Citizenship US

Mailing Address 501 Engamore Lane, Apt. T3

City Norwood

State MA

ZIP 02062

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) John

Family Name  
or Surname Lapetina

Inventor's  
Signature

Date 29 - MAR - 04

Residence: City San Francisco

State CA

Country US

Citizenship US

Mailing Address 555 Duboce Ave, Apt. 12

City San Francisco

State CA

ZIP 94117

Country US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SEVENTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) John P.

Family Name  
or Surname Devlin

Inventor's  
Signature

Date

3/19/04

Residence: City Tewksbury

State MA

Country US

Citizenship US

Mailing Address 241 Pringle St.

City

Tewksbury

State MA

ZIP 01876

Country US